

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of the Commission's Rules to)
Allocate for Public Safety Use a Portion of) RM-9274
the 138-144 MHz Band Being Reallocated) WT Docket 96-86
by the Federal Government Pursuant to the)
Balanced Budget Act of 1997)

To: The Commission

COMMENTS OF APCO

The Association of Public-Safety Communications Officials-International, Inc.
("APCO") hereby submits the following comments in response to the Commission's
Public Notice, dated May 13, 1998, inviting comments regarding the above-captioned
Petition of the National Public Safety Telecommunications Council ("NPSTC") seeking a
"Further Rulemaking to Allocate Spectrum in the 138-144 MHz Band for Public Safety."
APCO strongly supports the NPSTC Petition.

APCO is the nation's oldest and largest public safety communications
organization. Most of its 13,000 individual members are state or local government
officials involved in the management, design, and operation of police, fire, emergency
medical, local government, highway maintenance, forestry conservation, disaster relief,
and other public safety communications systems. APCO is a certified frequency
coordinator for Local Government Radio channels and is the sole coordinator for Police

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Radio channels and for all 800 MHz Public Safety channels. APCO is also an active member of NPSTC, and it participated in the preparation of the NPSTC Petition.

NPSTC is asking that 3 MHz in the 138-144 MHz band (139.0-140.5/141.5-143 MHz) be allocated for public safety use. This spectrum is now allocated to the Federal Government and is used by the Department of Defense and the Federal Emergency Management Agency, but has been included in an NTIA list of frequencies to be reallocated for non-Federal use pursuant to a directive in the Balanced Budget Act of 1997.¹

The landmark Public Safety Wireless Advisory Committee ("PSWAC") Report documents in great detail the severe spectrum shortages facing current and future public safety communications. After a year of study, culminating in 800 pages of findings, recommendations, and supporting documentation, PSWAC concluded in September 1996 that immediate action is necessary to allocate additional spectrum for public safety. Specifically, PSWAC made three spectrum allocation recommendations: (1) 2.5 MHz between 138-512 MHz for interoperability; (2) approximately 25 MHz in the short term; and (3) an additional 70 MHz by the year 2010. So far, the FCC has attempted to address only the second recommendation through the congressionally mandated allocation of 24 MHz in the 764-776/794-806 MHz band. Unfortunately, much of that 24 MHz will be unavailable in major metropolitan areas until at least 2006 due to incumbent broadcast stations. The most immediate spectrum need identified by PSWAC, 2.5 MHz for interoperability with existing VHF and UHF bands, has yet to be addressed. As discussed

¹ U.S. Department of Commerce, National Telecommunications and Information Administration, "Spectrum Reallocation Report: Response to Title III of the Balanced Budget act of 1997," NTIA Special Publication 98-36 (February 1998).

in the NPSTC Petition, the 3 MHz being reallocated in the 138-144 MHz band could be an important partial answer to that interoperability spectrum requirement.

The NPSTC Petition also addresses the possibility that the 138-144 MHz spectrum could be used to relieve congestion in the nearby 150-170 MHz band, where the majority of public safety systems currently operate. This so-called VHF High Band spectrum has superior propagation characteristics and requires less expensive radio systems than the 800 bands. However, the VHF High Band is plagued by congestion and the lack of paired channels. As explained in the NPSTC Petition, opening up “green space” in the 138-144 MHz band for public safety could facilitate new channel pairing and provide some “elbow room” to allow spectrum refarming in the VHF High Band to proceed more rapidly. Thus, the 138-144 MHz spectrum could serve a dual purpose of providing for enhanced interoperability and relieving severe spectrum congestion.

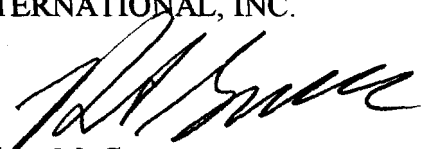
CONCLUSION

For the reasons set forth above, APCO strongly supports the NPSTC Petition. APCO recognizes that the 3 MHz in the 138-144 MHz band is being released by NTIA in response to a Congressional directive that it identify 20 MHz for auction. Nevertheless, APCO is committed to working with the Commission and Congress to identify creative solutions that will permit the spectrum to be allocated for public safety use rather than being subject to auction.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.

By:



Robert M. Gurss
WILKES, ARTIS, HEDRICK & LANE,
Chartered
1666 K Street, N.W. #1100
Washington, D.C. 20006
202-457-7329
rgurss@wahlone.com

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